

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO  
INFRACTION RULE 9(b)

ORDER

The Court, having reviewed and approved a recommendation from the Misdemeanor/Infraction Rules Advisory Committee to amend the Infraction Penalty Schedule in accord with new legislation;

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Infraction Rule 9(b) as it appears in the volume published by the Idaho Code Commission be, and is hereby, repealed in its entirety and a NEW Rule 9(b) adopted to read as follows:

**Rule 9. Judgment – Fixed penalty plus court costs for infractions-- Withheld judgment and suspended penalties prohibited—Deferred payment agreements.**

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**(b) Fixed Penalty and Costs for Infraction.** The entry of a judgment for an infraction under this rule shall order the defendant to pay a dollar amount for a fixed penalty and court costs in the following amounts:

## INFRACTION OFFENSE

## TOTAL AMOUNT (Fixed Penalty Plus Court costs)

- (1)(a) Failure to fasten safety restraint, operator/occupant age 18 or older, Section 49-673(3), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care Fund).
- (b) Failure to fasten safety restraint, operator 18 years or older with occupant(s) under 18 years of age failing to wear safety restraint. Section 49-673(3), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care Fund).

\$10.00

\$10.00

- (c) Failure to fasten safety restraint, operator under 18 years of age or operator under 18 who has occupant(s) under 18 years of age failing to wear safety restraint-single citation only, Section 49-673(4), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care Fund, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$66.50
- (2) Failure to restrain child in car safety seat. Section 49-672, Idaho Code. (Fixed penalty \$27.50, court costs \$16.50, I.C. § 31-3201A(c), county justice fund fee \$5.00 I.C. § 31-3201(3), and, peace officers training fee \$15.00 I.C. § 31-3201B, court technology fund fee \$10.00 I.C. § 31-3201(5), and emergency surcharge fee \$10.00). \$84.00
- (3) Pedestrian and bicycle infractions. (Fixed penalty \$5.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$61.50
- (4) Speeding traffic infractions.
- (a) 1 to 15 miles per hour above speed limit. (Fixed penalty \$33.50, Court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$90.00
- (b) 16 or more miles per hour above speed limit. (Fixed penalty \$98.50, Court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$155.00
- (5) Other moving traffic infractions. (Fixed penalty \$33.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$90.00
- (6) Speeding in a construction zone. I.C. § 49-657 (Fixed penalty \$50.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$106.50

- (7) Speeding in a school zone. I.C.  
§ 49-658 (Fixed penalty \$100.00,  
court costs \$16.50, county justice  
fund fee \$5.00, peace officers training  
fee \$15.00, court technology fund  
fee \$10.00, and emergency surcharge fee \$10.00). \$156.50
- (8) Permitting unauthorized child under  
age 18 to operate vehicle. Section  
49-333(1), Idaho Code. (Fixed penalty  
\$54.50, court costs \$16.50, county justice  
fund fee \$5.00, peace officers training  
fee \$15.00, court technology  
fund fee \$10.00, and emergency surcharge  
fee \$10.00). \$111.00
- (9) Permitting any unauthorized person to  
operate vehicle. Section 49-333(2), Idaho  
Code. (Fixed penalty \$54.50, court costs \$16.50,  
county justice fund fee \$5.00, peace officers  
training fee \$15.00, court technology  
fund fee \$10.00, and emergency surcharge  
fee \$10.00). \$111.00
- (10) Renting vehicle to unauthorized driver or failing  
to inspect license. Section 49-334, Idaho Code.  
(Fixed penalty \$54.50, court costs \$16.50, county  
justice fund fee \$5.00, peace officers training fee  
\$15.00, court technology fund fee \$10.00,  
and emergency surcharge fee \$10.00). \$111.00
- (11) Expired license. Section 49-319, Idaho Code.  
(Fixed penalty \$44.50, court costs \$16.50, county  
justice fund fee \$5.00, peace officers training fee  
\$15.00, court technology fund fee \$10.00, and  
emergency surcharge fee \$10.00). \$101.00
- (12) Violating restricted license. Section 49-317,  
Idaho Code. (Fixed penalty \$44.50, court costs  
\$16.50, county justice fund fee \$5.00, peace  
officers training fee \$15.00, court  
technology fund fee \$10.00, and emergency  
surcharge fee \$10.00). \$101.00
- (13) Operating vehicle under out of state license  
while suspended. Section 49-329, Idaho Code.  
(Fixed penalty \$100.00, court costs \$16.50,  
county justice fund fee \$5.00, peace officers  
training fee \$15.00, court technology fund  
fee \$10.00, and emergency surcharge fee \$10.00). \$156.50
- (14) Failure to carry registration in vehicle  
(dismissed if registration is shown). Section  
49-427, Idaho Code. (Fixed penalty \$10.50,  
court costs \$16.50, county justice fund fee \$5.00,  
peace officers training fee \$15.00, court  
technology fund fee \$10.00, and emergency  
surcharge fee \$10.00). \$67.00

- (15) Failure to display license plate. Section 49-428, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$67.00
- (16) Operating vehicle without registration. Section 49-456(1), Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology Fund fee \$10.00, and emergency surcharge fee \$10.00). \$101.00
- (17) Fictitious display of license plates. Section 49-456(3), Idaho Code. (Fixed penalty \$58.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology Fund fee \$10.00, and emergency surcharge fee \$10.00). \$115.00
- (18) Lending or permitting another to use registration or license plate. Section 49-456(4), Idaho Code. (Fixed penalty \$58.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$115.00
- (19) Failing to surrender registration and license plate upon revocation or suspension. Section 49-456(5), Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00), and emergency surcharge fee \$10.00). \$101.00
- (20) Use of false or fictitious name in application for registration or concealing material facts. Section 49-456(6), Idaho Code. (Fixed penalty \$100.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$156.50
- (21) Failure to redeem an abandoned vehicle. Section 49-1802, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology Fund fee \$10.00, abandoned vehicle fee \$150.00, and emergency surcharge fee \$10.00). \$217.00
- (22) Texting while driving. Section 49-1401A, Idaho Code. (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$81.50

- (23) Non-moving traffic infractions.  
(Fixed penalty \$10.50, court costs \$16.50,  
county justice fund fee \$5.00, peace officers  
training fee \$15.00, court technology fund fee  
\$10.00, and emergency surcharge fee \$10.00). \$67.00
- (24) Special parking infractions. Recreational  
parking. Section 67-7115, Idaho Code. and illegal  
parking in state park, Section 67-4237 Idaho Code,  
(Fixed penalty \$25.00, court costs \$16.50, county  
justice fund fee \$5.00, court technology  
fund fee \$10.00, and emergency surcharge  
fee \$10.00 -- No peace officers training fee). \$66.50
- (25) Disability parking violations. Unauthorized  
disability parking, Section 49-213, Idaho Code,  
and unauthorized use of disability plate or  
placard, Section 49-410, Idaho Code. (Fixed  
penalty \$100.00, court costs \$16.50, county justice  
fund fee \$5.00, court technology fund fee  
\$10.00, and emergency surcharge fee \$10.00 --  
No peace officers training fee). \$141.50
- (26) Other parking infractions and failure to pay parking  
infractions unless otherwise provided by statute  
or ordinance. (Fixed penalty \$5.00, court costs \$16.50,  
county justice fund fee \$5.00, court technology  
fund fee \$10.00, and emergency surcharge fee  
\$10.00 -- No peace officers training fee). \$46.50
- (27) Operating a motor vehicle without insurance.  
Sections 49-1229 and 49-1428, Idaho Code and  
failure to have certificate of insurance, Section  
49-1232, Idaho Code. (First offense only, second  
or subsequent offense is a misdemeanor.) (Fixed  
penalty \$75.00, court costs \$16.50, county justice  
fund fee \$5.00, peace officers training fee \$15.00,  
court technology fund fee \$10.00, and emergency  
surcharge fee \$10.00). \$131.50
- (28) Trucking overweight. Section 49-438, Idaho  
Code, and Sections 49-1001, 49-1002, 49-1004,  
49-1005, Idaho Code.  
1-1000 pounds overweight (Fixed penalty \$5.00,  
court costs \$16.50, county justice fund fee \$5.00,  
peace officers training fee \$15.00, court  
technology fund fee \$10.00, and emergency  
surcharge fee \$10.00.) \$61.50  
1001-2000 pounds overweight (Fixed penalty  
\$15.00, court costs \$16.50, county justice fund fee  
\$5.00, peace officers training fee \$15.00,  
court technology fund fee \$10.00, and  
emergency surcharge fee \$10.00.) \$71.50

- 2001-4000 pounds overweight (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officer's training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00.) \$81.50  
For multiple infractions see I.C. § 49-1013(4).
- (29) Fish and game violations made infractions by Section 36-1401, Idaho Code. (Fixed penalty \$15.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$72.00
- (30) Fish and game offenses in Sections 36-1401(a)1. (K) through (L) or (a)2. (S) through (Y), Idaho Code. (Fixed penalty \$250.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$306.50
- (31) All-terrain vehicle and snowmobile infractions. Driving on highway. Section 67-7109, Idaho Code. (Fixed penalty \$100.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$156.50
- (32) Parks and recreation violations made infractions by Section 67-4223, Idaho Code. (Fixed penalty \$15.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$72.00
- (33) All other all-terrain vehicle and snowmobile infractions. Sections 67-7102 through 67-7112, 67-7122, 67-7125, Idaho Code. (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$81.50
- (34) Renting a watercraft without safety devices and safety decal. Section 67-7078 (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$81.50
- (35) Failure to carry required equipment in watercraft. (IDAPA 26.01.30 Parks and Recreation) Sections 67-7002 and 67-7015, Idaho Code. (Fixed penalty \$42.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$99.00

- (36) Improper waterskiing. Section 67-7024, Idaho Code. (Fixed penalty \$42.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$99.00
- (37) Permitting smoking in public building or office. Section 39-5506, Idaho Code. (Fixed penalty \$67.50, court costs \$16.50, county justice fund fee \$5.00, peace officer training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$124.00
- (38) Refusing to extinguish tobacco product in public building or office. Section 39-5507, Idaho Code. (Fixed penalty \$17.50, court costs \$16.50, county justice fund fee \$5.00, peace officer training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$74.00
- (39) Littering from vehicle. (First or second offense). Section 18-3906, Idaho Code. (Fixed penalty \$150.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$206.50
- (40) Placing debris on public or private property (First offense). Section 18-7031, Idaho Code. (Fixed penalty \$150.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$206.50
- (41) Flooding a highway. (First offense). Section 18-3908, Idaho Code. (Fixed penalty \$50.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$106.50
- (42) Curfew violation by a minor. Section 20-549 Idaho Code. (Fixed penalty \$150.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$206.50
- (43) Tobacco or electronic cigarettes, possession, use or purchase by minor. Section 39-5703(1), Idaho Code. (Fixed penalty \$17.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$74.00

- (44) Tobacco or electronic cigarettes, minor selling, distributing or providing false identification to obtain. Sections 39-5703(2) or (3), Idaho Code. (Fixed penalty \$200.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$256.50
- (45) Alter fireworks, or sell, use at time not permitted. Sections 39-2609(1) or (3), Idaho Code. (Fixed penalty \$100.00 court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$156.50
- (46) Other infractions. (Fixed penalty \$15.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$15.00, court technology fund fee \$10.00, and emergency surcharge fee \$10.00). \$72.00

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IT IS FURTHER ORDERED, that this order and these amendments shall be effective the 1<sup>st</sup> day of July, 2015.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Infraction Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 7 day of May, 2015.

By Order of the Supreme Court

R. S. Burdick  
Roger S. Burdick, Chief Justice

ATTEST:

Stephen W. Kenyon  
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.  
WITNESS my hand and the Seal of this Court 5.11.15